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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Report of the Secretary-General

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I. INTRODUCTION

1. The General Assembly, at its fiftieth session, adopted resolution 50/180 of 22 December 1995 on effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, by which the Assembly urged States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration; called upon the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration and to continue to engage in dialogue with Governments concerned for that purpose; and urged all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to give due regard, within their respective mandates, to the promotion and protection of the rights of persons belonging to minorities.

2. The Assembly also requested the Secretary-General to report to it at its fifty-first session on the implementation of the resolution under the item entitled "Human rights questions".

3. Pursuant to that resolution, the Secretary-General, by communications dated 22 and 31 May 1996, invited States, and interested intergovernmental and non-governmental organizations, to submit their contributions to the Centre for Human Rights by 1 August 1996.

4. As of 30 August 1996, replies had been received from the Governments of Angola, Austria, 1/ Estonia, Germany, Greece, Iceland, Kuwait, Lithuania, Mauritius, San Marino, Switzerland and Ukraine.

5. The League of Arab States also sent a reply.

6. Information was also provided by the relevant special rapporteurs, special representatives, the working groups of the Commission on Human Rights and the Subcommission, giving due regard to the Declaration, and to the promotion and protection of persons belonging to minorities within their mandates.

7. The United Nations High Commissioner for Human Rights submitted information on his activities in the field.

8. Replies were also received from the Department of Humanitarian Affairs, the United Nations Children's Fund (UNICEF), the United Nations Centre for Human Settlements (Habitat), the United Nations University (UNU), the International Labour Organization (ILO), and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

9. The Council of Europe sent a document on the work it is currently undertaking in the field of minority protection.

10. Replies were also received from two non-governmental organizations: Liberal International and the Minority Rights Group.

11. The present report is submitted to the General Assembly in pursuance of resolution 50/180.

II. PROMOTION AND PROTECTION BY STATES OF THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

12. The information received from Austria, Estonia, Germany, Greece, Iceland, Lithuania, Mauritius, San Marino, Switzerland and Ukraine is summarized below, in accordance with the principles contained in the Declaration.

A. Protection of the existence of persons belonging to minorities (articles 1.1 and 1.2)

13. The Government of Austria stated that it guaranteed constitutional protection for ethnic groups in Austria to maintain and develop their own identity, with particular reference to their language and culture. Such legislative protection was provided for at federal and Länder levels. Germany guaranteed the rights of persons belonging to minorities under its constitution, the Basic Law. Under that Law, minorities were entitled, without discrimination, to foster their own culture, to profess and practise their own religion and to use their own language both in private and in public. Furthermore, the constitutions of five Länder of Germany contained provisions relating to national minorities and ethnic groups and/or national and ethnic minorities which were given substance through statutes, ordinances, laws and administrative practice.

14. The Government of Lithuania stated that it provided protection of the existence of persons belonging to minorities through the Constitution and the Law on National Minorities. The Government of Mauritius stated that the rights of persons belonging to national or ethnic, religious and linguistic minorities were guaranteed through a combination of constitutional provisions, which were fully compatible with the International Covenant on Civil and Political Rights, statutory legislation and common law. The Government of Ukraine reported that the existence, identity and characteristics of minorities were protected by the new Constitution, the Declaration on the Rights of Nationalities, the Citizenship Act, the National Minorities Act, the Education Act, the Freedom of Conscience and Religious Organizations Act, and the Fundamentals of Ukrainian Legislation on Culture.

B. The right to enjoy their own culture (article 2.1)

15. The Government of Austria stated that some Länder provided television and radio programmes in minority languages such as in Slovene. Kärnten organized, for example, an annual international congress for ethnic groups, and a cultural week for members belonging to the Slovene ethnic group. Cultural and language programmes on Austrian radio and television were broadcast in seven languages other than German. Germany promotes the culture and language of minorities and

specific programmes run by the Länder, and municipal authorities target foreigners residing in Germany.

16. The Law on National Minorities of Lithuania provided for the freedom of persons belonging to minorities to form and establish ethnic cultural organizations at their own expense. The historical and cultural monuments of ethnic minorities were considered a part of the cultural heritage of Lithuania and were thus under the protection of the State. With reference to the media, Lithuania guaranteed press and information in the languages spoken by ethnic minorities - newspapers and magazines were published in Russian, Polish, Belarusian Ukrainian, German and Yiddish. In 1994, 93 magazines and newspapers had been published in languages other than Lithuanian, with some publications in the Hebrew, Karait and Tatar languages. State radio and television programmes were broadcast in the Russian, Polish, Tatar, German, Belarusian and Ukrainian languages. Ethnic minorities had State and private radio stations and publishing houses, and the Russian and Polish television programmes were retransmitted on the territory of Lithuania.

17. Several trust funds had been set up in Mauritius to protect the culture of minorities, namely, the African Culture Trust Fund, to preserve and promote African culture and disseminate information pertaining thereto, the Ilois Trust Fund Act, to promote the social and economic welfare of the Ilois and the Ilois community in Mauritius, the Islamic Cultural Centre Trust Fund Act, to preserve and promote Islamic art and culture and disseminate valuable information pertaining to Islamic art and culture, and the Mahatma Gandhi Institute Act 1982, to establish a centre of studies of Indian culture and traditions and to promote education and culture generally.

18. The Government of Ukraine stated that it was taking steps to preserve and revive the distinctive national and cultural character of the ethnic groups that lived on its territory. The Fundamentals of Ukrainian Legislation on Culture guaranteed Ukrainian citizens, inter alia, equal cultural rights, the freedom to develop the languages and cultures of all ethnic groups and respect and support for their ethnic revival. The State offered organizational and financial assistance to almost 270 national cultural societies belonging to national minorities. On their initiative and with State support, national minority cultural centres, schools, theatres, museums and libraries had been established along with clubs and optional courses where minorities could be taught by speakers of their native languages. The cultural and informational needs of national minorities were met by the 48 newspapers published in their languages. Programmes in minority languages were broadcast on television and aired on the radio. The draft State programme for the development of culture among minorities up to the year 2000 provided for the fuller satisfaction and promotion of a wide range of general cultural needs among the country's ethnic groups.

C. The right to practise and profess their own religion (article 2.1)

19. The Government of Iceland stated that the freedom of belief and religion was protected by the Constitution, according to which people had a right to establish associations and each person was free to practise his or her religion by himself or herself or in association with others, in accordance with his or her convictions. Religious association outside the National Church of Iceland might be founded without an obligation to give notice to government authorities of its establishment or operation.

20. The Government of Lithuania provided constitutional guarantees of the freedom of religion enabling every person to freely choose any religion or faith and, either individually or with others, in public or in private, to manifest his or her religion or faith in worship, observance, in practice or teaching. The State recognized traditional Lithuanian churches and religious organizations provided that they had a basis in society and their teaching and rituals did not contradict morality and law. Those included the Roman Catholic, Greek Catholic, Evangelic Lutheran, Evangelic Reformer, Orthodox, Old Faith, Jewish, Muslim Sunnites and Karait confessions. More specifically, article 2 of the Law on National Minorities of Lithuania guaranteed ethnic minorities the right to profess any or no religion, and to perform religious or folk observances in their native language. Church services were conducted in the Lithuanian, Russian, Polish, German, Ukrainian, Hebrew, Arabic and Latvian languages, and the Lithuanian Russians, Poles, Ukrainians, Germans, Latvians, Muslim Sunnites, Jews and Karaits had their own houses of prayer.

D. The right to use their own language (article 2.1)

21. The Government of Austria stated that in addition to German, the languages of ethnic groups could be used as official languages. In some areas, Croat and Slovene could be used officially in addition to German, on condition that the members of ethnic groups had Austrian citizenship.

22. The Government of Lithuania reported that it respected every ethnic minority language. Nevertheless, article 14 of the Constitution stipulated that the Lithuanian language was the State language. The requirement to know the State language, however, could not be applied to employees who, according to the nature of their work, did not have to communicate with other persons officially or conduct office work in Lithuanian. In 1995, the State programme on the use and training of the State language for the period 1996-2005 had been adopted which provided, inter alia, for means for teaching Lithuanian to persons belonging to other nationalities.

23. In addition, the Constitution of Lithuania provided that court proceedings were conducted in the State language but that persons who did not speak Lithuanian had to be guaranteed the right to participate in investigation and court proceedings through an interpreter. The Law on National Minorities stipulated that in offices and organizations located in areas serving a substantial number of minorities with a different language, the language spoken by that minority might be used in addition to Lithuanian. The Law on the State

Language specifically provided that it should not regulate unofficial communication of the population and the language of events of religious communities.

24. The Government of Switzerland reported that on 10 March 1996, the Swiss people had voted, by 76 per cent in favour, for the adoption of a new constitutional article on the Latin languages. That provision aimed at reinforcing the protection of the Latin languages, Italian and Romanche. More specifically, the Romanche language thus became an official fourth language of Switzerland but only in respect of relations between Romanche-speaking citizens and the Confederation, who could now use Romanche in their contacts with the Federal Administration and Federal Tribunal. Furthermore, every person could use Romanche in public and in private, in writing or orally; newspapers and periodicals could be published in Romanche without restriction; and it could be used in primary, secondary and vocational schools. In addition, the new article 116 of the Constitution also obliged the Confederation and the cantons to encourage understanding and exchange between the linguistic communities and obliged the Federal Administration to grant support to the measures taken by the cantons in respect of the safeguard and promotion of the Romanche and Italian language. The article ensured the continuing use of Romanche, strengthened the identity of the various linguistic groups, and reflected the solidarity of the Swiss in respect of minorities on their territory.

25. The Government of Ukraine stated that under article 7 of the National Minorities Act, the language of a national minority might be used in State bodies, public associations, businesses, institutions and organizations on a par with Ukrainian, anywhere where the majority of the population belonged to that national minority.

E. The right to participate effectively in decisions at the national level (article 2.3)

26. The Government of Austria reported that ethnic groups were represented at the national level by ethnic councils whose aim it was to further the collective cultural, social and economic interests of the various ethnic groups in Austria. The councils could suggest improvements to the situation of the groups they represented, and could make proposals to the Länder Governments if so requested. Those included the Croat, Hungarian and Roma ethnic councils in the "Burgenland", and the Croat, Czech, Roma and Slovak ethnic councils in Vienna.

27. The Government of Greece stated that 12 Muslim prefectural Councillors had been elected in the prefectures of Xanthi and Rhodopi in October 1994. The Government of Ukraine mentioned that Ukrainian legislation gave public organizations belonging to ethnic minorities the right to put forward candidates for election to national and local office and the opportunity to exert an active influence on the shaping and execution of State policy in spheres that affected minority interests. Representatives of 12 nationalities were members of the Ukrainian parliament and the Council of Representatives of Public Associations of National Minorities of Ukraine operated as a deliberative body under the Ministry of Nationalities and Migration, the central executive organ dealing

with inter-ethnic relations. The local authorities in areas inhabited by national minorities had similar deliberative bodies.

F. The right to establish and maintain their own associations (article 2.4)

28. The Government of Austria stated that many associations of ethnic groups sought to develop their own language and culture, and collectively represent the interests of their members, and the Government of Lithuania stated that ethnic communities might administer independently the affairs of their ethnic culture, education and organizations.

G. The right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties (article 2.5)

29. The Law on National Minorities of Lithuania guaranteed persons belonging to minorities the freedom to establish contacts with persons of the same ethnic background abroad.

H. Equality before the law (article 4.1)

30. The Government of Iceland stated that the Constitution stipulated that everybody should be equal before the law and enjoy human rights without regard to, inter alia, national origin, race, colour or other status.

I. The right to learn their mother tongue, have instruction in their mother tongue and, through education, to have opportunities to gain knowledge of the society as a whole (articles 4.3 and 4.4)

31. The Government of Austria stated that in Kärnten, members of the Croat, Slovene and Hungarian ethnic groups had an individual right to receive instruction in their mother tongue, on condition that they had Austrian citizenship. In the "Burgenland", instruction was available in Croat, Hungarian or Romany. In minority schools, education could be provided for in two languages, namely, the minority language and German, or in only the minority language. Teachers who taught in both the minority language and German were granted additional income benefits. Instruction to learn the mother tongue of a minority was available to children of ethnic groups, and included Albanian, Arabic, Bulgarian, Kurdish, Polish, Croat, Serb, Serbo-Croat, Slovak, Slovene and Turkish, as was instruction of a minority language as a foreign language.

32. Estonia stated that the new 1993 Law on Cultural Autonomy for Ethnic Minorities granted all national minorities the right to establish private but State-financed schools, in which a minority's own language served as the language of instruction. In addition to numerous Russian language schools, a Swedish and Jewish minority language school had been established. Belarusians, Finns, Ukrainians and Armenians had some primary school classes where their languages were used in the classroom. In addition, several other ethnic minority groups arranged lessons in their native languages and culture at Sunday schools, as a first step towards opening full-fledged schools in their native languages.

33. In Germany, Länder legislation on school education took into account the interest of persons belonging to national minorities and ethnic groups in using and being educated in the minority language. State assistance was provided for the preservation of the language of minorities and ethnic groups in school education, wherever feasible and justified in terms of the number of students. Depending on the student's linguistic background, the language in question was either used as a medium of instruction or was taught as a language. Such education was available at all school levels, starting with municipal and private kindergartens and including both public and private schools maintained by the national minority, which received the same financial support from the State as public schools.

34. In October 1995, the Government of Greece passed a new law regulating matters pertaining to the education of the minority in Thrace. The law aimed at upgrading the quality of the education afforded to Muslim Greek citizens and at facilitating their educational development. In order to increase the quality and continuity of teaching in minority schools, the law required that teacher training graduate studies, foreign language skills, and familiarity with other cultures, civilizations, and religious practices be taken into account during the appointment of teachers to minority schools. Furthermore, the law established special financial and retirement incentives for teachers who chose to teach at minority schools. Finally, the law established an affirmative action programme for the admission of Muslim minority students to Greek higher educational institutions (universities and technical institutes). The law provided for a minimum quota for minority students, thus offsetting the disadvantages faced by many Muslim students during the national university entrance examinations, owing mostly to Greek language difficulties, and facilitating their integration into the social fabric of the country. The Greek State also provided substantial financial support for the operational expenses of minority schools and new minority primary and secondary schools were currently being constructed.

35. The Government of Iceland stated that primary schools were open to all children without discrimination on the basis of, inter alia, residence, social class or religion. Although priority was granted to teaching Icelandic, care was taken to respect the rights of immigrants to maintain their mother tongue and culture. The Ministry of Education had financed an experiment in mother-tongue instruction, in which a group of pupils from Viet Nam received teaching and training in their mother tongue concurrently with teaching in Icelandic. That experiment was intended to provide information on whether mother-tongue instruction had a direct influence on how rapidly and how well

pupils gained fluency in Icelandic. In addition, the Ministry of Education was to organize and finance the publication of practical information on schooling in the languages of the most numerous immigrant groups in Iceland.

36. The Law on National Minorities of Lithuania provided for the right to schooling in the minority language, with provision for pre-school, elementary and secondary school education as well as provision for groups, faculties and departments at institutions of higher education to train teachers and other specialists needed by ethnic minorities. Pre-school institutions had Lithuanian, Russian, Polish, Jewish and Belarusian language groups and instruction in secondary schools was available in Lithuanian, Russian, Polish, Belarusian, German and Hebrew. In addition, an elementary class with instruction in Ukrainian had been opened at one of the schools in Vilnius in September 1995. Furthermore, the Constitution provided for young people seeking admission to the technical schools and universities of Lithuania to take entrance examinations in the language in which they were taught in elementary schools, namely, Lithuanian, Russian or Polish. Technical and higher educational institutions had groups and specialities in which education was provided in the Lithuanian, Russian, Polish and Belarusian languages.

37. In Mauritius, no religious denomination and no religious, social, ethnic or cultural association or group were to be prevented from establishing and maintaining schools at its own expense. Denominational schools might be established and the school was not entitled to discriminate as to who might attend it.

38. The Government of Ukraine stated that, given the educational needs of ethnic groups, a network of general schools offering instruction in a variety of minority languages was being set up. Language of instruction was provided in Russian, Romanian, Hungarian, Moldovan, Hebrew, Polish and Crimean Tatar. Over 60 Sunday schools allowed pupils to study their native languages and students from national minorities could also study their native languages in optional courses or in clubs.

J. Mechanisms, procedures and other measures to promote and protect the rights of persons belonging to minorities

39. Germany, together with Denmark, had agreed to set up a European Centre for Minority Issues in Flensburg, Germany, to undertake research, documentation, information and counselling on issues concerning national minorities and traditional ethnic groups in Europe, to contribute towards the efforts to alleviate the tensions involving minorities arising in many areas of Europe.

40. The Law on National Minorities of Lithuania provided for a Committee on Ethnic Minorities to address the cultural and social needs and interests of ethnic minorities, and solve the problems of ethnic minorities and Lithuanian emigrants. In addition, a Department of Ethnic Minorities was functioning under the Ministry of Education, public committees of ethnic minorities might be established by local government Councils, and a Council of Ethnic Communities coordinated the activities of public organizations of ethnic minorities. With

reference to the issue of citizenship, the Government of Lithuania stated that it could be acquired by every person permanently residing on the territory of the Republic. However, persons who were citizens of another State, as well as stateless persons, were qualified as foreigners.

41. The Government of Ukraine stated that it had endorsed an ad hoc programme of priority action to settle and re-establish Crimean Tatars and members of other nationalities who had returned to the Crimea, after having been deported on account of their nationality during the years of totalitarian rule. In addition, a special State programme had been drawn up to address the cultural, spiritual, educational and socio-economic problems of the 12 million ethnic Ukrainians living abroad.

K. Commitments under international treaties and agreements

42. Germany had signed the Council of Europe Framework Convention for the Protection of National Minorities in May 1995. With respect to the scope of application of the Framework Convention after ratification, Germany stated that it would apply only to the Danes of German citizenship, the members of the Sorbian people with German citizenship and members of ethnic groups traditionally resident in Germany, namely, the Frisians of German citizenship and the Sinti and Roma of German citizenship. Germany had also signed the Council of Europe European Charter for Regional or Minority Languages and was currently considering its obligations to protect minority languages traditionally spoken in Germany, namely, Danish, High Sorbian, Low Sorbian, North Frisian, Saterfrisian and Romany of the German Sinti and Roma as well as the regional language, Lower German, with a view to initiating the legislative procedures to prepare ratification of the Charter.

43. San Marino mentioned that the Government had signed the Council of Europe Framework Convention.

44. The Government of Lithuania stated that the rights of persons belonging to national, linguistic or religious minorities were protected by bilateral and multilateral treaties. It had signed bilateral treaties with Belarus, Poland, the Russian Federation and Ukraine, in which the rights, freedoms and duties of national minorities residing in those countries were set out in detail.

III. ACTIVITIES OF THE RELEVANT ORGANS AND BODIES OF THE UNITED NATIONS GIVING DUE REGARD TO THE DECLARATION WITHIN THEIR MANDATES

A. Commission on Human Rights

45. The Commission on Human Rights, at its fifty-second session held in 1996, considered the reports prepared by the Secretary-General on the subject (A/50/514 and E/CN.4/1996/88). It adopted two resolutions relevant to the rights of persons belonging to national or ethnic, religious and linguistic minorities. In resolution 1996/20 of 11 April 1996, the Commission urged States and the international community to promote and protect the rights of persons

belonging to minorities, as set out in the Declaration, including through the facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of their society and in the economic progress and development of their country; called upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities; called upon States and the Secretary-General to give due regard to the Declaration in their respective training programmes for officials; called upon the High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose; urged all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give due regard, within their respective mandates, to the promotion and protection of the rights of persons belonging to minorities; and invited States, interested governmental and non-governmental organizations, special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to submit, as appropriate, contributions as to how they promote and give effect to the Declaration.

46. In resolution 1996/19 of 11 April 1996 on tolerance and pluralism as indivisible elements in the promotion and protection of human rights, the Commission called upon States to promote and enhance tolerance, coexistence and harmonious relations between ethnic, religious, linguistic and other groups and to ensure that the values of pluralism, respect for diversity and non-discrimination are promoted effectively; called upon the Commission to attach the highest priority to the effective promotion of the values of democracy, pluralism and tolerance; and invited the High Commissioner for Human Rights and the Centre for Human Rights, through its programme of advisory services and technical cooperation, to advise or assist countries, upon request, to put in place effective safeguards, including appropriate legislation, to guarantee the full enjoyment of all human rights by all segments of their population, without discrimination of any kind.

B. Subcommission on Prevention of Discrimination and Protection of Minorities

Working Group on Minorities

47. The Subcommission, at its forty-eighth session in 1996, considered the reports of the Working Group on Minorities at its first and second sessions. The details of the first session are contained in document E/CN.4/Sub.2/1996/2.

48. The second session of the Working Group was held at Geneva from 30 April to 3 May 1996. The members of the Subcommission and the Working Group met in informal session on 29 April, when the role, procedures and possible outcome of the Working Group were discussed, the agenda adopted and the annotations to the agenda considered.

49. The Working Group was attended by the following independent experts, members of the Working Group: Mr. Mohammed Sardar Ali Khan (India),

Mr. José Bengoa (Chile), Mr. Stanislav Chernichenko (Russian Federation), Mr. Asbjorn Eide (Norway) and Mr. Ahmed Khalil (Egypt). A number of observer States participated, as well as representatives of specialized agencies and intergovernmental organizations. The Working Group was well attended by representatives of non-governmental organizations, and scholars versed in the subject. The High Commissioner addressed the Working Group at the opening session.

50. The deliberations at the second session centred on the agenda and its annotations, contained in documents E/CN.4/Sub.2/AC.5/1996/1 and Add.1 respectively, in accordance with the mandate of the Working Group as set out by the Commission on Human Rights in its resolution 1995/24, namely, to review the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments; and recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

51. The following essential recommendations were adopted by the Working Group:

(1) In order to better review the promotion and practical realization of the Declaration, the Working Group decided to collect information on the constitutions and legislation of States in respect of the protection and promotion of the rights of minorities, and to commission the preparation of short studies on the content and scope of the core principles contained in the Declaration, including the formulation of specific and concrete recommendations for their application in different countries and regions of the world.

(2) The Working Group decided to explore ways in which national, regional and international monitoring mechanisms could be established and strengthened, as a means to record the progress made in promoting and protecting the rights of persons belonging to minorities and identify the problems encountered.

(3) The Working Group decided to focus on particular themes, such as multicultural education, the use of language, the enjoyment of culture, the role of the media, and the issue of minorities and territorial integrity; to that end, the Working Group decided to hold seminars to discuss some of those issues in greater depth and decided that more substantive information on the existence of national recourse and conciliation machineries be submitted, in particular on how such mechanisms have been established, how they function, and how successful they are.

(4) The Working Group decided to increase its cooperation with the High Commissioner for Human Rights in the implementation of his programme on minorities, more specifically, to strengthen his preventive activities and enhance his responses to minority situations warranting urgent action. Furthermore, the relationship between the Working Group and the treaty bodies, the thematic rapporteurs and special

representatives will be developed, allowing for the Working Group to act as a focal point on their respective activities in the field of minority protection.

(5) The Working Group recommended that collaboration and cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the specialized agencies, in particular the International Labour Organization (ILO), and the United Nations Educational, Scientific and Cultural Organization (UNESCO), be strengthened, and new avenues of cooperation sought with, inter alia, the United Nations Research Institute for Social Development (UNRISD), the World Bank and the International Monetary Fund (IMF).

(6) The Working Group decided that Governments be encouraged to establish mechanisms which could facilitate dialogue and conciliation between minorities and Governments. Particular reference was made to the situation of minorities which was brought to the attention of the Working Group. Information on the activities undertaken in that field should be submitted to the Working Group.

52. The report of the Working Group at its second session is contained in document E/CN.4/Sub.2/1996/28.

Comprehensive programme for the prevention of discrimination and protection of minorities

53. In compliance with Subcommission decision 1995/110, Mr. Eide, Subcommission expert, was requested to prepare a second working paper containing further suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities, including proposals for the examination of thematic issues relating to racism, xenophobia, minorities and migrant workers. It contains comprehensive information on the past achievements of the Subcommission in this field, requirements for the development of a broader strategy focusing in particular on the activities and mandate of the Subcommission, the Committee on the Elimination of Racial Discrimination, the Third Decade to Combat Racism and Racial Discrimination and the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In his conclusions, Mr. Eide recommended, inter alia, that greater attention be paid to the role of the mass media in promoting and protecting the rights of persons belonging to minorities, the strengthening of human rights education to combat prejudice and racial discrimination, further monitoring of the principles contained in the Declaration, and the issue of citizenship and the rights of stateless persons. The report, submitted to the Subcommission at its forty-eighth session, is contained in document E/CN.4/Sub.2/1996/30.

Joint study on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination

54. At its forty-eighth session, the Subcommission adopted decision 1996/120, in which the Subcommission requested that two members of the Subcommission and two members of the Committee on the Elimination of Racial Discrimination prepare

a joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination. Article 7 calls on States Parties to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups. The working paper is to be submitted to the two bodies at their respective sessions in August 1997.

Resolution on the protection of minorities

55. The Subcommission adopted resolution 1996/17 on the protection of minorities in which, inter alia, it endorsed the recommendations of the Working Group on Minorities at its first and second sessions; urged the Working Group to continue to act as the main forum for consideration and possible resolution of problems between minorities and Governments, as well as among minorities themselves, drawing on the expertise of scholars, among others, including those present at its sessions; invited the Working Group to elaborate on the content and scope of the rights contained in the Declaration; invited the Working Group to increase its cooperation with the High Commissioner for Human Rights with a view to strengthening his preventive activities and enhancing his responses to minority situations warranting urgent action; and encouraged States to facilitate dialogue and cooperation between and among minorities and majorities, and to provide information to the Working Group on mechanisms established for that purpose.

C. High Commissioner/Centre for Human Rights

56. The High Commissioner/Centre for Human Rights has been continuing to assist the General Assembly, the Economic and Social Council, the Commission and the Subcommission in the effective promotion of the Declaration.

57. Promotion and protection of the rights of persons belonging to minorities constitute an integral and significant part of the High Commissioner's mandate as set out in General Assembly resolution 48/141 of 20 December 1993. More specifically, in its resolution 49/192 of 23 December 1994, the General Assembly entrusted him with the responsibility to promoting the implementation of the principles contained in the Declaration and continuing to engage in a dialogue with Governments concerned for that purpose. Protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities is also an imperative deriving from the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993. 2/ The World Conference reaffirmed the obligation of States to ensure that persons belonging to minorities might exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration.

58. The High Commissioner has adopted a programme of activities on the protection of persons belonging to minorities. The framework for this programme has been defined by the mandate of the High Commissioner, which can be divided into three major interrelated and overlapping activities in respect of which he

can, inter alia, act as a facilitator, with preventive functions as the common element. The programme is thus composed of the three following major activities: promotion and implementation of the principles of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and rights contained in other relevant international instruments; cooperation and coordination with other bodies and organs of the United Nations, including with the international human rights community, and the programme of technical assistance and advisory services; and, dialogue with Governments and all other parties concerned with minority issues. The activities which the High Commissioner has undertaken in the field of minority protection have focused on the implementation of the above-mentioned programme.

59. The High Commissioner has given his full support to the activities of the Subcommission Working Group on Minorities and the implementation of its recommendations. In his introductory statement to the Working Group at its second session, the High Commissioner reaffirmed the commitment of the international community in the field of minority protection and recalled the resolutions of the various legislative bodies of the United Nations relating to the promotion and protection of the rights of persons belonging to minorities. He expressed his willingness to facilitate the coordination among the various organs and bodies of the United Nations to strengthen the protection of minorities. His office was in the process of establishing a programme of international activities regarding minorities focusing on the relevant international standards, education campaigns, and the establishment of commissions for the improvement of community relations as a possible conflict resolution mechanism. The preventive activities of his Office were highlighted, as well as the provision of expert advice concerning capacity-building at the national and local levels.

60. The High Commissioner has continued to develop cooperation with international organizations, including regional ones, aimed at the promotion and protection of rights of persons belonging to minorities and resolution of problems related thereto. He strongly believes that the coordination of efforts should enable these organs and bodies to work as an integrated human rights system.

61. In his endeavour to facilitate inter-agency cooperation and catalyse the efforts of all relevant United Nations agencies and programmes in this area, the High Commissioner organized an inter-agency meeting on minorities on 21 August 1996 at the Palais des Nations, Geneva. The aim of the consultation was to exchange information on minority-related activities, share ideas and experiences, and discuss future collaboration in the field of minority protection.

62. The representatives of the Department of Humanitarian Affairs, the United Nations Children's Fund (UNICEF), the United Nations Centre for Human Settlements (Habitat) (UNCHS), the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR), ILO, UNESCO, the World Health Organization (WHO), the International Organization for Migration (IOM) and the International Committee of the Red Cross (ICRC) provided information about their activities related to the promotion and protection of persons belonging to minorities. With reference to future collaboration, it was

stressed that effective channels of communication were crucial in establishing a collaborative relationship and that it was important to identify the type of information to be shared. The following areas in which cooperation could be strengthened were suggested: collection of legislation protecting the identity and characteristics of minorities, education for and about minorities, discrimination in the area of labour, and housing rights, the right to a nationality, the incorporation of minority concerns into the mainstream activities of the agencies and the relevant training and other programmes, and minority-related issues to be raised at the Commission on Human Rights. In conclusion, it was suggested that the next meeting, to be held in early 1997, focus on one or two subjects of mutual concern to the agencies.

63. The High Commissioner has continued to engage in a constructive dialogue with Governments, in particular on the occasion of his visits to Austria, Bhutan, Burundi, Estonia, India, Latvia, Lithuania, Rwanda, the former Yugoslavia and the United States of America. In some of his country visits, the High Commissioner has referred to issues relating to minorities as complex human problems. He has appealed for full respect for human rights of persons belonging to minorities as expressed in the United Nations Declaration, the International Covenant on Civil and Political Rights and other international instruments. During his country visits, the High Commissioner, in addition to government officials, has met with representatives of minority groups.

64. The High Commissioner has sent observers to Burundi who will participate in efforts aimed at preventing and limiting human rights violations and inter-ethnic violence. With reference to the war-torn societies of the former Yugoslavia, the High Commissioner mentioned that the priorities of the human rights programme should, inter alia, include the establishment of a programme for the protection of minorities for the former Yugoslavia.

65. The General Assembly, in its resolution 49/184 of 23 December 1994, proclaimed the United Nations Decade for Human Rights Education, 1995-2004, and requested the High Commissioner/Centre for Human Rights to coordinate the implementation of the Plan of Action for the Decade, which stressed that special emphasis should be given to, inter alia, the human rights of minorities. The activities of the High Commissioner have centred on carrying out a survey on human rights education, including the collection of information on education for and about persons belonging to minorities, the establishment of advisory boards at the national level and the translation of the Universal Declaration on Human Rights into local languages, including minority languages.

66. On 30 and 31 May 1996, staff of the High Commissioner/Centre for Human Rights participated in a regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States (CIS) and relevant neighbouring States. The objectives of the conference process are to provide a reliable forum for the countries of the region to discuss population displacement and refugee problems; to review the population movements taking place in the CIS countries, clarifying the categories of concern; and to elaborate a non-binding programme of action for the CIS countries. A set of principles were adopted which contain various provisions of relevance to the protection of persons belonging to minorities, including the right to a

nationality, the right to enjoy or be granted citizenship, and protection against statelessness (principle 15 (a), (b) and (c), and the rights of persons belonging to minorities to enjoy their own culture, to profess and practise their own religion, and to use their own language and to develop their ethnic, linguistic, cultural and religious identity in conformity with international law, in particular the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (principle 16 (a) and (b)).

67. The participants in the Conference also laid down the institutional and operational frameworks for the achievement of durable solutions for population displacement problems of the CIS countries, including preventive measures which stressed the need to promote and protect the rights of persons belonging to minorities. Reference was made to the promotion and the use of minority languages in the areas of education and culture, in legal procedures before courts and in relations with administrative authorities, by the media, as well as in the economic and social fields. It was emphasized that the establishment and maintenance of unimpeded contacts among persons belonging to a national minority, as well as contacts across frontiers by persons belonging to a national minority with persons with whom they share a common ethnic or national origin, cultural heritage or religious belief, contributes to mutual understanding and promotes good neighbourly relations. The report of the Conference is contained in document CISCONF/1996/6.

68. In the area of technical cooperation in the field of human rights, a number of meetings have been held in Turin, Italy over the course of 1996 as part of a wider training programme in human rights for members of the armed forces. Training seminars have been undertaken for senior military instructors from the Balkan and Central Asian States, for senior military instructors from Lusophone African States, and for United Nations peacekeeping military instructors. In addition, an expert consultation meeting was held in Geneva on human rights training for military officers from 21 countries of Africa, Asia, Europe, North America, and Central and Latin America. The topics discussed during the seminars included human rights and humanitarian law principles, the military and the rule of law, the military in civilian policing duties, and the democratic process and the rule of law.

69. At these training seminars, the participants discussed the respect for the rights of persons belonging to minorities within the framework of national interest and international peace and security. Reference was made to the minority-related provisions in international human rights instruments, including the Declaration, such as the rights to use their own language, to run their own schools, and to take part in the political, economic and cultural life of their country. The Armed Forces High Command was urged to take concrete measures aimed at protecting and promoting the rights of persons belonging to minorities by eliminating discrimination against the members of minority groups and taking positive administrative steps to ensure that the armed forces were genuinely representative of the national community in their ethnic, linguistic, religious, regional and national composition.

IV. SPECIALIZED AGENCIES AND OTHER ORGANIZATIONS OF THE UNITED NATIONS SYSTEM

70. The substantive information submitted by UNICEF, UNCHS, ILO and UNESCO is summarized below.

A. United Nations Children's Fund

71. On 22 January 1996, the Executive Board of UNICEF had adopted a new Mission Statement which stated that UNICEF was guided by the Convention on the Rights of the Child and strove to establish children's rights as enduring ethnical principles and international standards of behaviour towards children. In view of the virtual universal ratification of the Convention, UNICEF supported the efforts of its main partners, the Governments, in implementing the principles contained therein, including article 30, which referred to the protection and promotion of the rights of children belonging to minorities. For example, it cooperated with Governments in their preparation of State party reports to the Committee on the Rights of the Child, and provided technical assistance for the review and reform of national legislation and for the establishment of national mechanisms to monitor the implementation of children's rights.

72. In addition, UNICEF either organized or supported activities that aimed to examine discrimination against minorities, racism and intolerance in order to facilitate better understanding of those issues. Those included activities using the education for development approach in the areas of advocacy and training; research studies by the International Child Development Centre in Florence, Italy; workshops that addressed issues of religious, ethnic and cultural discrimination; and dissemination of the Convention on the Rights of the Child to the public in numerous local languages. UNICEF was also involved in prevention and education for peace campaigns, based on combating racism, intolerance and xenophobia. More specifically, it was concerned about protecting the rights of children of minority groups who were often victims of discrimination and made up a disproportionate number of children who were commonly categorized as "children in especially difficult circumstances".

73. Overall, UNICEF had expanded its scope of analysis, updated strategies and generally increased its activities worldwide to protect the rights of children. It was developing appropriate programme guidelines that took into account the need for special protection measures for children who were the most disadvantaged as a result of the difficult circumstances in which they lived, and was increasingly addressing issues of discrimination and intolerance that affected the well-being of many children belonging to minorities and vulnerable groups throughout the world.

B. United Nations Centre for Human Settlements (Habitat)

74. Information was provided by the Centre on the references to minorities included in the Habitat Agenda and the Global Plan of Action adopted by the Second United Nations Conference on Human Settlements. With reference to a participatory approach to sustainable human settlements through the development

and support of strategies and mechanisms that encouraged open and inclusive dialogue among all interested parties, it was stressed that special attention needed to be paid to minorities. As for research on the extent to which population groups were exposed to environmental degradation and hazards, reference was made to particularly vulnerable groups such as minorities. It was mentioned that the Centre was also committed to protecting and maintaining the historic, cultural and natural heritage of indigenous and other people, and that Governments, as enabling partners, should create and strengthen effective partnerships with vulnerable and disadvantaged groups, indigenous people and communities. The Habitat Agenda placed a great deal of emphasis on the particular problems of minorities, although not always using that particular term.

C. International Labour Organization

75. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was relevant to the work that ILO carried out within its mandate, in particular its programmes linked to the promotion of ILO Convention No. 111 of 1958, the Convention concerning Discrimination in respect of Employment and Occupation, and certain other international labour standards. In that respect, the Special Survey on Convention No. 111 had recently been examined by the Conference Committee on the Application of Standards. ILO had also made significant contributions on the subject of minority protection on the occasion of the Working Group on Minorities, the Working Group on the Right to Development and the Subcommission at its forty-eighth session. Further details about those activities would be provided in the report to the Commission on Human Rights at its fifty-third session.

D. United Nations Educational, Scientific and Cultural Organization

76. One of the mandates of UNESCO was to contribute to the struggle against discrimination in all its fields of competence, including discrimination against persons belonging to minorities.

77. UNESCO was preparing a book on all forms of discrimination which was addressed to a very large audience and could be used as a teaching aid for education at various levels. Another UNESCO publication, entitled Access to Human Rights Documentation contained reference to documentation, bibliographies and databases on human rights and had a special chapter devoted to minorities and indigenous peoples; the 1996 updated version of the publication also referred to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In cooperation with the Stockholm International Peace Research Institute, UNESCO was preparing a fact book on "Peace, Security and Conflict Prevention" which would include an analysis of different forms of discrimination which led to conflicts.

78. UNESCO Chairs on Human Rights Democracy and Peace now existed in 18 countries and included courses on discrimination and its different forms. Furthermore, the issue of discrimination was discussed regularly at UNESCO

meetings on human rights, and recommendations concerning ways to combat different forms of discrimination were formulated at those meetings and included in their final documents. In June 1996, a conference entitled "Ideas of Tolerance in Central Asia and Early Prevention of Conflicts", had been held at Bishkek. It had adopted a decision to establish an Institute of Culture, Peace and Tolerance in the newly created scientific research laboratory on early warning of conflicts, and urged the parliaments and Governments of Central Asian countries to undertake efforts at the creation of a climate of tolerance, civil and inter-ethnic understanding, trust and cooperation.

79. UNESCO was also addressing the protection of the cultural rights of persons belonging to national or ethnic, religious and linguistic minorities. In that respect, the Working Group on Cultural Rights, during its meeting in May 1996, had elaborated a new (tenth) version of the draft Declaration Relating to Cultural Rights which would be discussed at the next meeting of the Working Group in September 1996 at the Council of Europe. The text of the draft Declaration might then be published and widely disseminated.

V. TREATY BODIES

A. Human Rights Committee

80. The Human Rights Committee continued to monitor the observance of the International Covenant on Civil and Political Rights. It considered and commented on a number of reports submitted by States parties to the Covenant, with specific reference to the implementation of article 27 on the protection and promotion of the rights of persons belonging to minorities. 3/

Fifty-sixth session

81. At its fifty-sixth session, the Committee on Human Rights had before it the following reports: Nigeria (CCPR/C/92/Add.1), Zambia (CCPR/C/63/Add.3 and HRI/CORE/1/Add.22/Rev.1), Guatemala (CCPR/C/81/Add.7 and HRI/CORE/1/Add.47), Spain (CCPR/C/79/Add.61) and Mauritius (CCPR/C/79/Add.60).

82. In its concluding observations on Guatemala (CCPR/C/79/Add.63), the Committee recommended that further measures be taken to ensure that members of indigenous groups be protected against the prevailing violence within the country and enjoy fully their rights under article 27 of the Covenant, particularly in respect of the preservation of their cultural identity, language and religion.

Fifty-seventh session

83. At its fifty-seventh session, the Committee on Human Rights had before it the following reports: Nigeria (CCPR/C/79/Add.64), Brazil (CCPR/C/81/Add.6), and Peru (CCPR/C/79/Add.67).

84. In its concluding observations on Brazil (CCPR/C/79/Add.66), the Committee recommended that the State party take immediate steps to guarantee the rights of individuals belonging to racial minorities and indigenous communities,

especially with regard to their access to education. Such steps should ensure greater school enrolment and reduce the incidence of school drop-out.

85. In its concluding observations on Peru (CCPR/C/79/Add.67), with respect to article 27 of the Covenant, the Committee welcomed action taken to protect the rights of indigenous communities, including efforts to provide education in national and native languages, promote economic development and establish other mechanisms for their protection.

B. Committee on Economic, Social and Cultural Rights

86. The Committee on Economic, Social and Cultural Rights had continued to consider State party reports on the implementation of the rights contained in the International Covenant on Economic, Social and Cultural Rights. Of particular relevance to the promotion and protection of the rights of persons belonging to minorities were articles 13 and 14 on the right to education, and article 15 on the right to culture.

Thirteenth session

87. At its thirteenth session, the Committee had before it the following State party reports: Colombia (E/1994/104/Add.2), Norway (E/1994/104/Add.3), Mauritius (E/1990/5/Add.21), Ukraine (E/1994/104/Add.4) and Algeria (E/1990/5/Add.22). The concluding observations of the Committee at its thirteenth session are contained in document E/1996/22-E/C.12/1995/18.

88. In its concluding observations on Norway, the Committee commended the devolution of responsibility to the Sami Assembly with regard to matters relating to the preservation and development of the culture of the members of the Sami community, and noted with appreciation that the Sami language might be used in contacts with public bodies and before the courts.

89. In its concluding observations on Ukraine, the Committee noted the progress achieved towards securing representation for the Crimean Tatars in the Parliament of the Autonomous Republic of Crimea, and expressed satisfaction with the efforts made to ensure enjoyment of cultural rights. It expressed concern, however, at the difficulties experienced by members of minority groups, including the Crimean Tatars, who had been deported decades ago and who were now returning to resettle in Ukraine. In that respect, the Committee recommended that the civil status of repatriated members of minorities, especially the Crimean Tatars, be regularized as soon as possible.

90. In its concluding observations on Algeria, the Committee welcomed the establishment of the Office of the High Commissioner for Amazighité (Berbers) in May 1995, and took note with interest of the introduction of instruction in the Amazigh (Berber) language since the beginning of the 1995-1996 school year.

C. Committee on the Elimination of Racial Discrimination

91. While the International Convention on the Elimination of All Forms of Racial Discrimination does not contain any specific articles aimed at the promotion and protection of the rights of minorities, article 2 (2) is of relevance to ethnic or racial groups as it imposes an obligation on States parties to undertake affirmative action in respect of groups which have suffered from discriminatory practices. According to article 2 (2), States must take affirmative action "when the circumstances so warrant". In respect of the applicability of this article in situations where the Government concerned denies the identity or existence of a particular group, it seems that the practice of the Committee on the Elimination of Racial Discrimination tends towards the applicability of broad criteria of assessment.

Forty-eighth session

92. At its forty-eighth session, the Committee had before it the following reports: Colombia (CERD/C/257/Add.1), Denmark (CERD/C/280/Add.1), Zimbabwe (CERD/C/217/Add.1), Russian Federation (CERD/C/263/Add.9), Madagascar (CERD/C/149/Add.19), Finland (CERD/C/240/Add.2), Spain (CERD/C/263/Add.5) and the United Kingdom of Great Britain and Northern Ireland (CERD/C/263/Add.7).

93. In its concluding observations on Colombia (CERD/C/304/Add.1), the Committee noted the persistence of structural discriminatory attitudes towards the indigenous and Afro-Colombian communities, relating inter alia to the rights to political participation, and educational and occupational possibilities.

94. In its concluding observations on Denmark (CERD/C/304/Add.2), the Committee welcomed the establishment of the Board for Ethnic Equality, but expressed concern that the attempts of municipalities to prevent undue concentrations of ethnic minority families in "socially burdened" urban neighbourhoods should not be discriminatory in effect.

95. In its concluding observations on Hungary (CERD/C/304/Add.4), the Committee commended the State party for its new policy regarding minorities, based on the principles of preservation of their self-identity, special preference treatment and cultural autonomy; and for the creation in 1990 of the Office for National and Ethnic Minorities; the establishment of the post of Ombudsman for National and Ethnic Minority Rights, effective from mid-1995; and the signing of agreements with neighbouring countries in connection with minority rights issues. The Committee, however, expressed grave concern at the persistence of expressions of racial hatred and acts of violence towards persons belonging to minorities, especially Gypsies, Jews and people of African or Asian origin; at apparent harassment and use of excessive force by the police against Gypsies; and at the fact that, according to the Act of 1993, for an ethnic group to be recognized as a minority, it must have lived on Hungarian soil for at least a century.

96. In its concluding observations on the Russian Federation (CERD/C/304/Add.5), the Committee noted with satisfaction that a parliamentary group had been mandated to investigate human rights and international humanitarian law violations in the Chechen conflict. Concern was expressed,

however, about the fact that several minority groups had no access to education in their own language and, when dealing with administrative and judicial matters, they were frequently precluded from using their own language. The increase in racist attitudes among the population, or of local authorities directed against Caucasians, especially Chechens, also gave cause for concern, as did indications of anti-Semitism among part of the population. The Committee recommended that appropriate measures be taken to ensure the promotion of minority languages as well as education programmes in the appropriate languages, and that special attention be paid to the minority groups living in the Northern Territories by taking effective measures to promote and protect their rights.

97. In its concluding observations on Finland (CERD/C/304/Add.7), the Committee expressed concern that the Romany minority continued to experience difficulties in exercising its rights, in particular in the educational field. It also noted that educational programmes contained insufficient information on minority rights issues. The Committee recommended that the State party do all in its power to enable Sami children to pursue their studies at the primary and secondary levels in their mother tongue.

98. In its concluding observations on Spain (CERD/C/304/Add.8), the Committee noted with satisfaction that the Gypsy development programme had been set up to improve the situation of Gypsies, in particular in the field of education and the promotion of the Gypsy culture. The Committee noted with concern, however, that in Catalonia and in the Basque Country, it might be difficult for the children of the Castilian-speaking minority to receive education in their mother tongue, and in that respect recommended that measures be taken by the authorities to ensure that Castilian-speaking children had the possibility of receiving education in Castilian in Catalonia and in the Basque Country.

99. In its concluding observations on the United Kingdom of Great Britain and Northern Ireland (CERD/C/304/Add.9), the Committee welcomed the new grants for education support and training, which were intended to increase the English skills of students from ethnic minority groups, thus raising the standards of academic achievement of these students. The Committee noted with serious concern that persons belonging to ethnic minority groups were under-represented in political and public life, as reflected in their representation among the voting public, the police and armed forces and holders of public office. The Committee recommended that the question of the citizenship status of Hong Kong residents belonging to ethnic minorities of Asian origin be reviewed to ensure that their human rights were protected.

Forty-ninth session

100. At its forty-ninth session, the Committee had before it the following reports: Bolivia (CERD/C/281/Add.1), Brazil (CERD/C/263/Add.10), China (CERD/C/275/Add.2), Republic of Korea (CERD/C/258/Add.2), India (CERD/C/299/Add.3), Malta (CERD/C/262/Add.4), Mauritius (CERD/C/280/Add.2), Namibia (CERD/C/275/Add.1), Venezuela (CERD/C/263/Add.8/Rev.1) and Zaire (CERD/C/237/Add.2 and CERD/C/273/Add.1).

101. In its concluding observations on India (CERD/C/304/Add.13), the Committee affirmed that the situation of the Scheduled Castes and Scheduled Tribes fell

within the scope of the Convention as the term "descent" was referred to in article 1 of the Convention, on the definition of racial discrimination. The Committee added that it was seriously concerned that the Kashmiris, as well as other groups, were frequently treated in ways contrary to the basic provisions of the Convention, on account of their ethnic, or national origin.

102. In its concluding observations on China (CERD/C/304/Add.15), the Committee expressed satisfaction at the efforts to preserve the linguistic heritage of the minority nationalities. Such efforts included the provision of textbooks, development of school curricula and the publication of newspapers and other literary works in the minority languages. With respect to the autonomous areas, it noted with appreciation that the law on regional autonomy for minority nationalities guaranteed that a proportion of the local government officials be drawn from local nationalities. The Committee however expressed concern with regard to the actual enjoyment of the right to freedom of religion in the State, particularly in the Muslim parts of Xinjiang and in Tibet Autonomous Region, including the preservation of places of worship and the exercise of religious rights by members of all ethnic groups. The Committee also expressed concern that in secondary school and university, children from minority nationalities were under-represented. In addition, efforts with respect to economic development and national modernization should not deprive members of such ethnic groups of their right to their own culture, in particular their traditional ways of life. The Committee recommended that more members of minority nationalities be included in positions of leadership, that the State party ensure access by members of minority nationalities to education at all levels, and that, in autonomous areas, instruction on the history and culture of the relevant minority nationalities be included in the school curricula.

D. Committee on the Rights of the Child

103. The Committee on the Rights of the Child has continued to monitor the State party treaty obligations under the Convention on the Rights of the Child, in particular article 30, on the rights of children belonging to ethnic, religious or linguistic minorities to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Eleventh session

104. At its eleventh session, the Committee on the rights of the child had before it the following State party reports: Yugoslavia (CRC/C/8/Add.16), Croatia (CRC/C/8/Add.19 and annex), Yemen (CRC/C/8/Add.20), Republic of Korea (CRC/C/8/Add.21), Iceland (CRC/C/11/Add.6), Finland (CRC/C/8/Add.22) and Mongolia (CRC/C/3/Add.32). The concluding observations of its eleventh and twelfth sessions are contained in documents CRC/C/50 and CRC/C/54 respectively.

105. In its concluding observations on the report of the Federal Republic of Yugoslavia, the Committee raised various points of concern with reference to the implementation of article 2 of the Convention, relating to non-discrimination. It expressed grave concern about the situation of Albanian-speaking children in Kosovo, especially with regard to their health and education. It also expressed concern over reports of the treatment of persons, including children, belonging

to a religious minority (Muslims), in Sandjak, the incidents of discrimination against the Roma (Gypsy) population, and the reports of the progressive exclusion of teaching in languages other than Serbian, such as Bulgarian. The Committee recommended that a solution be found to its concerns for the situation of Albanian-speaking children in Kosovo, that the State-controlled mass media contribute to the efforts to foster tolerance and understanding between different groups and that the broadcasting of programmes that ran counter to that objective should end.

106. In its concluding observations on the report of Iceland, the Committee welcomed the report that education for immigrants was available, that the requirement that a person seeking Icelandic citizenship had to add an Icelandic name to his or her original name had been abolished, and that the issue of the status of stateless children was being addressed.

107. In its concluding observations on the report of Croatia, the Committee noted with appreciation the establishment of the special parliamentary Committee for Human Rights and the Rights of Ethnic and National Communities or Minorities, and the progress made in modifying the Law on Citizenship so as to eliminate risks of discrimination. The Committee recommended that the Government devote its efforts to encouraging a culture of tolerance through all possible channels, including schools, the media and the law, that the State-controlled mass media should play an active role in the efforts to secure tolerance and understanding between different ethnic groups, and that the protection of the rights of children belonging to minority groups should be encouraged.

108. In its concluding observations on the report of Finland, the Committee expressed concern at the absence of an integrated monitoring mechanism capable, inter alia, of supervising the effectiveness of decentralized and sometimes privatized social (health, education and social care) municipal policies and services for the most vulnerable groups of society, including minority children. In the light of article 30 of the Convention, the Committee expressed concern about the insufficient number of teachers capable of working with minority children. It recommended that the Convention be translated into all languages spoken by minorities living in Finland.

Twelfth session

109. At its twelfth session, the Committee had before it the reports of: Lebanon (CRC/C/8/Add.23), Cyprus (CRC/C/8/Add.24), Guatemala (CRC/C/3/Add.33), China (CRC/C/11/Add.7), Nepal (CRC/C/3/Add.34) and Zimbabwe (CRC/C/3/Add.35).

110. In its concluding observations on the report of Lebanon, the Committee expressed its concern at the apparent discrimination in the gaining of nationality by a child of parents of mixed nationality, as the nationality might only be obtained by a child from her/his Lebanese father but not from the mother and, in the case of unmarried parents, only if the Lebanese father acknowledged the child. The Committee recommended that the teaching of values such as tolerance, and friendship among all peoples, including ethnic and religious groups, be incorporated in school curricula.

111. In its concluding observations on China, the Committee expressed concern at the insufficient efforts that had been made to develop a bilingual education system in minority areas which would include adequate teaching in Chinese, including the Tibet Autonomous Region. Those shortcomings might disadvantage Tibetan and other minority pupils applying to secondary and higher level schools. In the framework of the exercise of the right to freedom of religion by children belonging to minorities, in the light of article 30 of the Convention, the Committee expressed its deep concern in connection with the violations of human rights of the Tibetan religious minority. In its recommendations, the Committee suggested that a review be undertaken of measures to ensure that children in the Tibet Autonomous Region and other minority areas be guaranteed full opportunities to develop knowledge about their own language and culture as well as to learn the Chinese language.

112. In its concluding observations on the report of Nepal, the Committee expressed its concern at the insufficient data collection on children belonging to minorities and to lower castes. It recommended that an effective monitoring mechanism of progress achieved would shape appropriate policies and combat prevailing social disparities and traditional prejudices. The Government should, in particular, take concrete measures, including awareness campaigns, to change negative attitudes, and to protect children belonging to the lowest castes from any form of exploitation.

VI. SPECIAL RAPPORTEURS AND SPECIAL REPRESENTATIVES

113. In a number of cases, Special Rapporteurs, appointed by United Nations human rights organs to investigate human rights situations in specific regions and countries, and on thematic issues, have addressed the rights of persons belonging to national or ethnic, religious and linguistic minorities within their mandates or have been confronted with violations of the rights of persons belonging to minorities.

Special Rapporteur on the human rights situation in Burundi

114. In his report (E/CN.4/1996/16), the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, provided an overview of the political and institutional crisis. He referred in particular to the concept of "ethnic" racism and the policies deriving from it. He stated that none of the criteria used to define ethnic groups or national minorities were applicable to Burundi, since for centuries Hutus and Tutsis had occupied the same geographical area, shared the same religious beliefs and spoken the same language. It was only with the advent of colonialism that a privileged Tutsi minority had emerged. Over the years, politicians had grasped the political and ideological implications of being a Hutu and Tutsi and manipulated them for their own ends. Some developed a racist ideology, supported by propaganda and incitement to hatred, passed on by radio, television and the press, thus contributing to the polarization of attitudes, language and mentalities within the Tutsi and Hutu communities. In his report, the Special Rapporteur mentioned acts of aggression against members of religious faiths and the disturbing signs of religious intolerance and xenophobia. He also mentioned the right to freedom of expression and the press and described the role the media had played in fanning the flames of hatred among Burundis.

In his recommendations, the Special Rapporteur stressed the need for the consolidation of democratic institutions in order to eradicate impunity, the strengthening of civil society and the promotion and enjoyment of human rights. Additional details about the situation in Burundi are contained in the addendum to his report (E/CN.4/1996/16/Add.1).

Special Rapporteur on the situation of human rights in Equatorial Guinea

115. In his report on the situation in Equatorial Guinea (E/CN.4/1996/67), the Special Rapporteur, Mr. Alejandro Artucio, referred in particular to the situation of the Bubi ethnic group of the island of Bioko and the inhabitants of the island of Annobon. He noted the reports of discrimination against those minority groups on the occasion of his visit. In his recommendations, the Special Rapporteur stressed the need to combat any form of discrimination based on ethnic origin and to respect the right to form associations and guarantee the right to participate in political, social and cultural life. Ethnic diversity, he concluded, must be considered an additional richness to society.

Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia

116. The Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Ms. Elisabeth Rehn, in her report (E/CN.4/1996/63), continued to provide information on the promotion and protection of the rights of persons belonging to minorities.

117. The Special Rapporteur reported that in Bosnia and Herzegovina, local authorities appeared to have failed to create conditions which might have persuaded citizens of one nationality to remain in areas to be controlled by authorities of another, and there were many reports of discrimination against persons of different nationalities, especially non-Bosnians, in access to housing, employment, education and medical services. In addition, the proportion of members of local minority groups with high positions in both Bosnian and Bosnian Croat-controlled institutions was far lower than might be expected considering the size of local population groups. Of particular concern to the Rapporteur had been the use of the media by all three sides to advocate perspectives exclusively favouring one nationality at the expense of others. The Special Rapporteur recommended that the sharing of communities between Bosnians of different nationalities must be encouraged.

118. In respect of the situation in Croatia, the Special Rapporteur expressed concern regarding the treatment of Serbs remaining in Croatia, especially with reference to the suspension of articles of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities. Although the Government had taken the position that article 15 of the Croatian Constitution guaranteed the protection of minorities in Croatia, the suspended special constitutional provisions contained many more specific provisions for the protection of minority Serbs.

119. With regard to the region of Eastern Slavonia, Baranja and Western Sirmium, the Special Rapporteur recommended that the Croatian authorities should cease forcible and illegal evictions and take appropriate measures to combat

nationality and religion-based hatred through education and public information programmes. In her report, the Special Rapporteur expressed a number of concerns regarding widespread discrimination against particular ethnic and religious groups in the areas of Kosovo, Vojvodina and Sandjak. More specifically, she mentioned that the educational system for ethnic Albanian children in Kosovo was far from adequate, and in Vojvodina, the Hungarian and Croat minorities in that region had expressed concern about the effective implementation of their rights to use their own language, and establish their own cultural organizations and educational institutions. As far as cultural rights were concerned, fears had been expressed that Hungarian historical names and denomination of places might be permanently lost. The Special Rapporteur recommended that legislation regarding citizenship should take into account the provisions contained in the Universal Declaration of Human Rights, the international Covenant on Civil and Political Rights and other relevant international legislation, dialogue must be established between the leaders of the ethnic Albanian population in Kosovo and the Government of the Federal Republic of Yugoslavia, and the freedom of culture, religion, education, language and other expressions of ethnicity must be protected and defended by the Constitutions of the Federal Republic of Yugoslavia.

120. In regard to the situation in the former Yugoslav Republic of Macedonia, the educational situation of national minorities, in particular the Albanian community, remained one of the most pressing concerns in the country. The shortage of primary and secondary school teachers for minorities was serious, and the number of minority students who continued their education at institutions of higher education remained disproportionally low. Furthermore, the Special Rapporteur noted the disproportionately low number of Albanian employees and other persons with a minority background in public office and the difficulties the Serb Orthodox community was having in registering with the relevant authorities. She welcomed, however, the new Law on Local Self-government, which had been passed in October 1995, which included important provisions concerning the official use of minority languages on a municipal level. According to the new law, the language and alphabet of a national minority would be used, together with Macedonian, on signs and inscriptions in public places in municipalities in which the minority group constituted the majority of the population and if the local municipal council so decided. Both languages would also be in use in the local administration in municipalities where there was a majority or a considerable number of persons belonging to the minority. The Special Rapporteur recommended that the Government continue its efforts to ensure equal access by the national minorities to education and employment at all levels and, in particular, to explore alternative ways of enabling those groups to enjoy higher education in their own language.

Special Rapporteur on the situation of human rights in Myanmar

121. The Special Rapporteur, Mr. Yozo Yokota, in his report (E/CN.4/1996/65) has continued to provide reports on the human rights violations perpetrated against members of ethnic minorities in Myanmar, in particular the Karen, Mon, Shan and Muslims of Rakhine (Arakan) State. Most of the violations were reported to occur in the context of the Myanmar Army's counter-insurgency activities against armed opposition groups operating in areas of large ethnic minority populations. The Special Rapporteur received reports that the central Government had denied

the Kachin population its basic social, human and economic rights and that the profits extracted from the natural resources available were benefiting the central Government. He also reported that most of the Muslim population of Rakhine State were not entitled to citizenship under the existing naturalization regulations and most of them were not even registered as so-called foreign residents, as was the case with foreigners/stateless persons living in other parts of Myanmar. In his conclusions, the Special Rapporteur stated that practices of forced labour, forced portering, torture and arbitrary killings were still widespread, especially in the context of the counter-insurgency operations in ethnic minority regions. On the matter of internal deportations and forced relocations, the Special Rapporteur concluded that government policies violated the freedoms of movement and residence and, in some cases, constitute discriminatory practices based on ethnic or religious affiliations. Specifically, the Special Rapporteur recommended that the Citizenship Law should not apply its categories of second-class citizenship, which had discriminatory effects on racial or ethnic minorities, particularly the Rakhine Muslim population.

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

122. The Special Rapporteur, Mr. Abid Hussain, in his report (E/CN.4/1996/39), provided information on the allegations received concerning cases of violation of the right to freedom of opinion and expression. He referred to communications concerning Albania, Algeria, Argentina, Bangladesh, Brazil, Cameroon, China, Colombia, Cuba, Democratic People's Republic of Korea, Egypt, Ethiopia, Gabon, Georgia, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Kenya, Lebanon, Malaysia, Mexico, Morocco, Myanmar, Nigeria, Pakistan, Paraguay, Peru, Poland, Sierra Leone, South Africa, Sri Lanka, Sudan, Tajikistan, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, United States of America, Viet Nam, Yemen, Zaire and Zambia. (Although the reports of violations which occur were not disaggregated according to persons belonging to minorities, inroads into the right to freedom of opinion and expression were inevitably coupled with the erosion of the rights of persons belonging to minorities either because the journalists, writers and press professionals belonged to minorities, because factual information on situations involving minorities was hampered or the press and the media were being used to propagate ethnic or religious-based hatred against certain groups in society.)

123. In the annex to his report, the Special Rapporteur reproduced the Johannesburg Principles on National Security, Freedom of Expression and Access to Information, adopted on 1 October 1995 by a group of experts in international law, national security and human rights. With particular reference to the protection of the rights of persons belonging to minorities, the following principles applied: principle 4, which stipulated that in no case might a restriction on freedom of expression or information, including on the ground of national security, involve discrimination based on, inter alia, race, language, religion, national or social origin, nationality, birth or other status; principle 6, which stated that expression might be punished as a threat to national security only if a Government could demonstrate that the expression was intended to incite imminent violence; and principle 9, which provided that expression, whether written or oral, could never be prohibited on the ground

that it was in a particular language, especially the language of a national minority.

124. In the report on his mission to the Islamic Republic of Iran (E/CN.4/1996/39/Add.2), the Special Rapporteur noted that article 14 of the Constitution stipulated that the Government of the Islamic Republic of Iran and all Muslims were duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equality, that in accordance with article 23 of the Constitution, the investigation of individuals' beliefs was forbidden and that article 26 of the Constitution protected religious societies. In his concluding observations, the Special Rapporteur noted that the freedom to manifest one's religion or religious or non-religious beliefs had political connotations which linked it directly to the freedom of opinion and expression. He was of the opinion that tolerance begot tolerance and that a mutual respect for beliefs, opinions and values was a prerequisite for harmonious relations between individuals, groups, peoples and States. He noted that nurturing such respect required a spirit of open debates and a genuine willingness on all sides to accept the validity of norms derived from cultures other than one's own.

125. The report of the Special Rapporteur on his mission to the Republic of Korea is contained in document E/CN.4/1996/39/Add.1.

Special Rapporteur on extrajudicial, summary or arbitrary executions

126. The Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, in his report (E/CN.4/1996/4) referred to a number of cases that had come before him in 1995, in which it was alleged that the victims subjected to death threats or extrajudicial, summary or arbitrary executions belonged to national, ethnic, religious or linguistic minorities.

127. The Special Rapporteur had received allegations of extrajudicial, summary or arbitrary executions from the following countries carried out against the following members of minority groups: Bangladesh, against persons of Chakma origin; Bulgaria and the Czech Republic, against persons belonging to the Roma minority; Myanmar, against persons of Kayin (Karen) origin; Nigeria, against persons belonging to the Ogoni; Pakistan, against the Mohajirs, an Urdu-speaking ethnic minority; the Russian Federation, against the Chechens; Tajikistan, against the Pamiri ethnic group; and Turkey, against persons of Kurdish ethnic origin. The Special Rapporteur sent an urgent appeal concerning the civilian Arab population in Cameroon, and transmitted cases to the Government of India concerning the death in custody of persons of Naga ethnic origin. In his observations on the situation in the Islamic Republic of Iran, the Special Rapporteur continued to express dismay at attacks against religious minorities. Further information is provided in his report on his mission to Burundi (E/CN.4/1996/16 and Add.1).

Representative of the Secretary-General on internally displaced persons

128. The report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng (E/CN.4/1996/52/Add.2), contained a very comprehensive compilation and analysis of legal norms relevant to the status of

internationally displaced persons. It aimed at restating obligations within the framework of existing norms as well as identifying areas where existing international law did not respond adequately to the protection and assistance needs of internally displaced persons. Its conclusions showed that there was still a need to proceed further and to elaborate an appropriate international instrument.

129. With reference to the protection of the rights of persons belonging to minorities, the Representative noted that during flight and temporary relocation, the internally displaced might be restricted in their ability to speak and use their own language and practise their own religion. The Special Representative reported that an internally displaced population might include persons from minority groups who spoke only their own language(s) and could not communicate in or understand the official and majority language(s). The Special Representative noted that there was a particularly strong need to respect the linguistic heritage of such persons, and to ensure that they could continue to use their own language without interference or discrimination and be understood by those providing them protective and relief services. Reference was made to the protection afforded by article 27 of the International Covenant on Civil and Political Rights, and article 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. He concluded by stating that protection was inadequate with respect to the specific language-related needs of internationally displaced persons who were in areas where another language was dominant. Given the essential role of religion and belief in defining personal and cultural identity, a future international instrument should take into account the specific religion-related needs of internally displaced persons. Reference was also made to the opportunity of internally displaced persons to participate in government on a local or national basis, with particular reference to articles 2 (2) and (3) of the Declaration, relating to the rights of persons belonging to minorities. In that respect, a future international instrument should stress that internally displaced persons did not lose their right to political participation because they had to leave their home, and the means for their participation, including access to voter registration procedures, must be safeguarded.

Human rights and mass exoduses

130. The Secretary-General, in his report on mass exoduses (E/CN.4/1996/42), referred to the problems resulting in mass exoduses and noted in particular that in Vojvodina, considerable pressure was reportedly being exercised by Serb refugees from Krajina on the ethnic minorities (including Hungarians, Croats and others) to leave those areas. Expulsions of Muslims had also occurred in Srebenica, and expulsions of the Serb minority were also reported to have occurred in central and western Bosnia, following the take-over of the region by the forces of the Federation of Bosnia and Herzegovina. Forced evictions had also taken place in Burundi of members of the Hutu communities from their residences in Bujumbura. In Israel, it was noted that the Jahalin bedouin tribe was facing forced eviction because of the expansion of a nearby Israeli settlement. Further details are contained in document E/CN.4/1996/42.

Special Rapporteur on the question of religious intolerance

131. In the report on his mission to the Islamic Republic of Iran (E/CN.4/1996/95/Add.2), the Special Rapporteur, Mr. Abdelfattah Amor, reported that according to article 13 of the Constitution, the Zoroastrian, Jewish and Christian Iranians were the only religious minorities who, within the limits of the law, were free to perform their religious rites and ceremonies. Furthermore, the authorities confirmed that the rights of minorities provided for in article 13 of the Constitution, especially the right to worship, religious education and family traditions, as well as the right to representation in parliament and the free exercise of their cultural, social and religious activities, were recognized within the framework defined by the State. As far as socio-cultural activities were concerned, minorities had community centres and cultural, social and charitable associations which they financed themselves. However, minorities had no professional access to the army and the judiciary and were limited in their career development; at the lower levels of public courts, minority plaintiffs were usually discriminated against by judges, who treated them as members of a minority and not as Iranian citizens.

132. During his visit, the Special Rapporteur received reports that the right to profess and practise the Bahai'i faith had been denied and that the Bahai'i had been denied the right to meet and to elect and operate administrative institutions. Furthermore, the Bahai'i could not obtain political representation and the application of their religious law in their personal affairs and in those of their community was prohibited. In the educational field, young Bahai'is had been systematically excluded from higher educational institutions. As for other religious minority groups, the protestant representatives stated that their religious activities were subject to restrictions and the Muslim converts were subjected to pressure and close surveillance with a view to inducing them to abandon their religious activities. In his conclusions and recommendations, the Special Rapporteur mentioned that the situation of the recognized non-Muslim religious minorities, namely, the Zoroastrian, Jewish, Assyro-Chaldean and Armenian minorities, was satisfactory. However, with reference to the Bahai'i community, the Special Rapporteur believed that there should not be any controls that might, through prohibition, restrictions or discrimination, jeopardize the right to freedom of belief or the right to manifest one's belief.

VII. INTERGOVERNMENTAL ORGANIZATIONS

Council of Europe

133. In accordance with the declaration of the Heads of State and Government of the Member States of the Council of Europe adopted at the Summit Conference held on 8 and 9 October 1993, a framework convention specifying the principles which the contracting States commit themselves to respect, in order to assure the protection of national minorities had been drafted and adopted by the Committee of Ministers on 10 November 1994. It was the first legally binding multilateral instrument protecting national minorities in general. The Convention contained provisions covering a wide range of areas: non-discrimination, promotion of effective equality, promotion of the conditions regarding the preservation and

development of the culture and preservation of religion, language and traditions, freedoms of assembly, association, expression, thought, conscience and religion, access to and use of the media, linguistic freedoms, education, transfrontier contacts, international and transfrontier cooperation, participation in economic, cultural and social life, participation in public life, and the prohibition of forced assimilation. The adequacy of the measures taken by the parties to give effect to the principles had been evaluated by the Committee of Ministers, assisted by an advisory committee of persons with recognized expertise in the field of the protection of national minorities, on the basis of periodic reports by the States parties.

134. Entry into force of the Framework Convention for the Protection of National Minorities required ratification by 12 member States. As of 1 July 1996, the following States had signed: Albania, Austria, Czech Republic, Denmark, Estonia, Finland, Germany, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Netherlands, Norway, Poland, Portugal, the Russian Federation, San Marino, Slovenia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland, while the Convention has also been ratified by Cyprus, Hungary, Romania, Slovakia and Spain.

135. On 12 March 1996, the Committee of Ministers' Deputies, expecting that the number of ratifications required to bring the Convention into force would be achieved later in the year and might in fact be accelerated by giving member States a clearer idea of how the Convention would be monitored, had decided to undertake the work regarding the implementation mechanism provided for in articles 24-26. In that respect, they decided to instruct an ad hoc committee of experts to clarify pertinent questions and to identify possible options; to establish an ad hoc committee of Deputies open to all and with the assistance and participation of experts in order to identify and agree on the broad lines of the implementation mechanism; to instruct the ad hoc committee of experts to draft, on the basis of the decisions taken by the ad hoc committee of Deputies, the necessary regulations and procedures, within an agreed period; and to take a final decision on the implementation mechanism of the Framework Convention. The aim was to complete the first two stages by the time the Convention entered into force.

136. Those instruments were a valuable supplement to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Council of Europe European Charter for Regional or Minority Languages, which had been opened for signature by member States on 5 November 1992. The Charter lay down objectives and principles to be respected by States and proposed concrete measures to put them into effect in the fields of education, courts of law, administrative authorities and public services, the media, cultural facilities and economic and social life. Parties needed to select a minimum number of those for implementation. The Charter would enter into force upon ratification by five member States. As at 1 July 1996, the following States had signed: Austria, Cyprus, Denmark, Germany, Liechtenstein, Luxembourg, Malta, Romania, Spain, Switzerland and Ukraine, and the following States had ratified it: Finland, Hungary, the Netherlands and Norway. Entry into force was expected by the end of 1996.

137. The Summit Conference had also entrusted the Committee of Ministers to begin work on drafting an additional protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms in the cultural field by provisions guaranteeing individual rights, in particular for persons belonging to national minorities. The work on that subject showed, however, that the existing provisions of the Convention, as they had been interpreted by the supervisory organs, already potentially covered many rights in the cultural field. The Committee of Ministers, considering that it would currently not be possible to add substantially to the Convention, had decided in January 1996 to suspend the work on the protocol. The Committee however, had agreed to continue reflection on the feasibility of further standard-setting in the cultural field and in the field of the protection of national minorities.

138. The programme of confidence-building measures of the Council of Europe was intended to mobilize various preventive initiatives, aimed at defusing tensions capable of generating serious conflicts. Those activities were all of a practical nature and sought to contribute to the dismantling of barriers which divided communities, through providing opportunities to speak, learn and work together on specific projects. The projects were conducted in partnership with non-governmental organizations. The Council of Europe also regularly provided expertise upon request to member States on issues such as human rights, language and education, and organized information meetings for parliamentarians, government officials, representatives of minorities and non-governmental organizations on the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, in order to make their provisions better known.

139. In June 1996, a joint programme between the European Commission in Brussels and the Council of Europe had been signed which would entail intensive cooperation with government offices for national minorities, representatives and professional groups in 17 Central and Eastern European countries, through seminars, workshops, study visits and specific follow-up action.

VIII. NON-GOVERNMENTAL ORGANIZATIONS

Liberal International

140. Liberal International stated that it supported the rights of minorities by establishing formal or informal relations with minority organizations and their political parties, providing education and training, a platform for exchange as well as links to the Council of Europe, the United Nations and other international bodies, and assisting in raising awareness of minority issues at the international level. More specifically, Liberal International had organized a seminar in Opatija, Croatia, in October 1995, on the subject of national minorities, individual and collective rights of minorities and the international mechanisms to protect those rights. Participants represented minority groups such as the Hungarians from the Slovak Republic and the Swedish-speaking people from Finland. The seminar had proved successful in arriving at ideas and solutions in respect of situations involving minorities.

Minority Rights Group

141. The Minority Rights Group had recently embarked on a new venture which it hoped would have a significant impact on the participation of minority groups in the United Nations Working Group on Minorities.

142. The Minority Rights Group had run a training workshop in Geneva, from 27 April to 4 May 1996, just prior to the Working Group. Those who participated in the training had come from organizations working for minority rights in Latin America, Asia, the Middle East, the Baltic countries, Africa and Eastern Europe.

143. In addition to the training workshop, brief meetings had been held during the Working Group session allowing participants to learn about specific international instruments and the mechanisms of the United Nations in the field of minority protection before they attended the Working Group session. The contributions made by the participants at the Working Group were particularly welcome because they submitted first-hand information on situations involving minorities, and engaged governmental and non-governmental representatives in discussion, which had led to the adoption of useful recommendations by the Working Group.

144. Through that training initiative, the Minority Rights Group had offered representatives of minority groups the opportunity to participate in the Working Group, and to learn about the procedures and mechanisms in the field of minority protection at the regional and international levels, thereby allowing them to better focus some of their activities in the future. The training had also provided an opportunity for the representatives of different minority groups to get to know each other, to exchange information, to identify similar problems, to learn from other groups' experience, and to work together. The Group hoped that further to that initiative, a larger number of minority groups would be able to participate in the future sessions of the working group.

145. The Group was currently looking at ways of developing that work so that minorities could work towards identifying their own training needs and develop their own networks. Further projects of that kind would, it was hoped, involve closer links with other non-governmental organizations, interested Governments and international organizations.

IX. CONCLUSIONS AND RECOMMENDATIONS

146. The contributions made in the Commission on Human Rights and the Subcommission, on the promotion and protection of the rights of persons belonging to minorities by States, agencies, and intergovernmental and non-governmental organizations about situations involving minorities, proved most valuable. The submission of information about concrete situations should be further encouraged, and it is recommended that the Commission and Subcommission continue, at their future sessions, to discuss the rights of persons belonging to minorities as well as the measures taken to reduce ethnic and religious tensions between various groups.

147. The fruitful debates and the constructive recommendations made by the Working Group on Minorities at its second session are highly appreciated. It is hoped that the Working Group will continue to act as a genuine forum for dialogue and mutual understanding between Governments and minorities, and among minorities themselves. This will undoubtedly contribute to the provision of further information on ways and means of realizing the implementation of the Declaration. The recommendations of the Working Group that short studies be commissioned on the content and scope of the core principles contained in the Declaration, including the formulation of specific and concrete recommendations for their application in different countries and regions of the world, are particularly commendable. It is hoped that the recommendations will be implemented effectively.

148. It is appreciated that the High Commissioner for Human Rights is taking an active role in promoting and protecting the rights of persons belonging to minorities. His programme on minority protection and the support he has provided to better collaboration and cooperation with the various organs and bodies of the United Nations, particularly with the specialized agencies, is very welcome. His ongoing dialogue with Governments on issues pertaining to minorities, as well as the provision of qualified expertise on minority issues, should be further encouraged. The combination of these activities would no doubt strengthen the human rights programme in the field of minority protection and pave the way towards a more integrated system of minority-related human rights protection.

149. The human rights treaty-based bodies have paid attention to the promotion and protection of the rights of persons belonging to minorities in their concluding observations. Of particular relevance were the concluding observations of the Committee on the Elimination of Racial Discrimination as data seemed to have clearly been disaggregated on the basis of minority groups. In the discussions with government representatives during the consideration of State party reports, greater attention could be paid, in particular, to their obligations under article 27 of the International Covenant on Civil and Political Rights, in respect of which more substantial information could be provided in future reports. It is important that States parties continue to disaggregate data along ethnic, cultural, religious and linguistic lines, an element which may provide further useful information about situations involving minorities.

150. It is appreciated that the Special Rapporteurs and Special Representatives continue to pay attention to the situations involving minorities and to report on violations perpetrated against persons belonging to minority groups. It is clear from the reports that ethnic and religious tensions too often degenerate into open conflict, threatening not only the territorial integrity of States but also international stability and peace. The information contained in the reports can contribute to the effective responses to situations warranting particular attention.

151. The information submitted on the activities of the Council of Europe in respect of standard-setting and confidence-building measures in particular is most valuable. It would be interesting to receive similar information from other regional mechanisms and institutions as they ideally complement, on a

regional basis, those of the United Nations in the field of minority protection. Ongoing cooperation between the United Nations and regional organizations can only reinforce minority protection.

Notes

1/ The substantial report on the protection and promotion of the rights of persons belonging to minorities submitted by the Government of Austria will be reflected in greater detail in the report to the Commission on Human Rights at its fifty-third session.

2/ A/CONF.157/24 (Part I), chap. III.

3/ With reference to some countries where indigenous populations, rather than minority groups, are affected by human rights violations, the Committee has invoked article 27 of the International Covenant on Civil and Political Rights.